

**REMARKS**

Claims 1-20 remain pending in the application. Claims 1-5, 8-10, 12-13, 16-18 and 20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Laberteaux (USPN 6,028,929). Claims 6 and 7 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Laberteaux in view of Caceres et al. (US 6,167,133) and in further view of Romesburg (US 6,185,300). Claims 11, 14, 15 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Laberteaux in further view of Romesburg (6,507,653). Applicants traverse these rejections and request reconsideration in view of the following remarks.

Claims 1 and 16 have been rejected allegedly for being anticipated by Laberteaux. Applicant traverses the rejection. Applicant claims as system and method that in addition to making the echo canceller responsive to echo canceller divergence based upon linear divergence due to significant echo path change and non-linear echo path, the echo canceller distinguishes between non-linear echo path resulting from near-end communication and system confined non-linearity.

The examiner argues, responsive to the applicant's amendments and remarks contained in his previous response, that Laberteaux teaches use of both ERLE and double-talk detection for adaptation of the described echo canceller and thus teaches the claimed invention. What Laberteaux teaches, and why the applicant's statements in his previous response are correct, is that Laberteaux teaches use of ERLE to detect double talk. So when the examiner states that Laberteaux teaches use of both ERLE and double talk detection, it is the same thing in Laberteaux.

What Laberteaux fails to teach or suggest, and what the applicant claims, however, is not just determining a transition from non-linear to linear echo and vice versa where the non-linear transition is the result of double talk detection, e.g., as done by Laberteaux using ERLE, but also distinguishing the type of non-linear echo as being the result of double talk or

system sources. The applicant, without changing the scope of claims 1 and 16 as previously amended, has further amended these claims to make this distinction clear. Furthermore, Laberteaux fails to teach echo canceller adaptation based upon the type of non-linear echo, because as noted, Laberteaux fails to teach or suggest determining a type of non-linear echo, i.e., whether the non-linear echo is the result of double talk or system sources.

For at least the foregoing reasons, applicant submits claims 1 and 16 are allowable and such action is solicited. Moreover, applicant submits claims 2-15 and 17-20, dependent from claims 1 and 16, respectfully, are allowable and such action is requested.

In view of the foregoing amendments and remarks, the prompt issuance of a notice of allowance is respectfully solicited. The examiner is cordially invited to contact applicant's undersigned attorney with any questions regarding this paper or the application as a whole.

Respectfully submitted,  
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